

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DERRICK CHATMAN

PETITIONER

v.

No. 4:10CV79-A-D

STATE OF MISSISSIPPI, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated January 1, 2011, and the January 20, 2011, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated January 1, 2011, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the State's motion to dismiss for failure to exhaust state remedies is **GRANTED**.

3. That the instant petition for a writ of *habeas corpus* is **DISMISSED** without prejudice for failure to exhaust.

4. That this case is **CLOSED**.

THIS, the 23rd day of March, 2011.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE